

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

DAVID GRIZZARD,

Plaintiff,

v.

Case No. 2:21cv469

LG CHEM LTD, et al.,

Defendants.

ORDER

Defendant, LG Chem LTD, ("LG Chem") filed a Motion to Dismiss Plaintiff's First Amended Complaint for Lack of Personal Jurisdiction and corresponding Memorandum of Law in Support, ECF Nos. 19, 20. Plaintiff, David Grizzard, filed an Opposition, and Request for Hearing, ECF Nos. 15, 16, and LG Chem filed a Reply thereto. ECF No. 23.

On April 14, 2022, this matter was referred to United States Magistrate Judge Robert J. Krask pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct necessary hearings, including evidentiary hearings, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the Motion to Dismiss Plaintiff's First Amended Complaint for Lack of Personal Jurisdiction. ECF No. 24.


The Magistrate Judge filed the Report and Recommendation ("R&R") on June 30, 2022. ECF No. 33. The R&R recommends denying LG Chem's Motion to Dismiss. The Defendant filed a Limited Objection to the R&R on July 14, 2022, ECF No. 34, to which the Plaintiff replied on July 25, 2022, ECF No. 35. Specifically, the Reply stated: "Plaintiff does not oppose LG Chem's request that the District Court modify the Magistrate Judge's discovery Order and corresponding Report and Recommendation to reflect that the time for LG Chem to file an Answer be stayed, pending a ruling by the Court on Defendant LG Chem's forthcoming renewed Motion to Dismiss after the parties have conducted limited jurisdictional discovery." Id. at 1.

The court, having reviewed the record in its entirety and having examined the Objection and made de novo findings with respect thereto, does **ADOPT AND APPROVE, WITH MODIFICATION**, the findings and recommendations set forth in the R&R of the United States Magistrate Judge, filed on June 30, 2022, ECF No. 33. Accordingly, the Defendant LG Chem's Motion to Dismiss Plaintiff's First Amended Complaint for Lack of Personal Jurisdiction, ECF No. 19, is **DENIED WITHOUT PREJUDICE** to LG Chem's filing of any renewed Motion to Dismiss within seven (7) days of the completion of jurisdictional discovery, such

discovery deadline to be set at the Initial Pre-trial Conference under Rule 16(b) of the Federal Rules of Civil Procedure.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

IT IS SO ORDERED.



/s/
Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

July 21, 2022